

Jonathan Shub (SBN 237708)
jshub@seegerweiss.com
SEEGER WEISS LLP
1515 Market Street, Suite 1380
Philadelphia, PA 19102
Telephone: (215) 564-2300 / Facsimile: (215) 851-8029

Rosemary M. Rivas (SBN 209147)
rrivas@finkelsteinthompson.com
FINKELSTEIN THOMPSON LLP
100 Bush Street, Suite 1450
San Francisco, California 94104
Telephone: (415) 398-8700 / Facsimile: (415) 398-8704

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ROOTZOO, INC., Individually and on Behalf of All
Others Similarly Situated,

Case No. C 09-03043 JF

Plaintiff.

[PROPOSED] ORDER RE RELATION AND CONSOLIDATION OF CASES

vs.
FACEBOOK, INC., and DOES 1 through 10,
inclusive.

Defendants.

UNIFIED ECM, INC., Individually and on Behalf of
All Others Similarly Situated.

Case No. C 09-03430 JF

Plaintiff

Plaintiff,
vs.
FACEBOOK, INC., and DOES 1 through 10,
inclusive

STEVEN PRICE, Individually and on Behalf of All
Others Similarly Situated.

Case No. C 09-03519 HBJ

Plaintiff,
vs.
FACEBOOK, INC., and DOES 1 through 10,
inclusive
Defendants.

[PROPOSED] ORDER RE RELATION AND CONSOLIDATION OF CASES
Case No. C 09-03043.JF

1 WHEREAS, the above-captioned actions (“Actions”) all assert claims against Defendant
2 FACEBOOK, Inc.; (“Defendant” or “FACEBOOK”) related, *inter alia*, to the alleged impropriety of
3 FACEBOOK’s Pay-Per-Click Advertising Program (the “PPC Program”) on behalf of themselves and
4 all others similarly situated; and

5 WHEREAS, in an effort to effectively manage this litigation and move it forward in an efficient
6 manner, **IT IS HEREBY ORDERED THAT:**

7 **I. CONSOLIDATION OF RELATED ACTIONS**

8 1. The above actions are hereby deemed related and consolidated for discovery and pretrial
9 proceedings before this court.

10 2. The clerk shall establish and maintain a Master Docket and Master File for this
11 proceeding under the caption “*In re FACEBOOK PPC Advertising Litigation*” Master File No. C 09-
12 03043 JF. All orders, pleadings, motions and other documents should, when filed and docketed in the
13 Master File, be deemed filed and docketed in each individual case.

14 3. The parties will meet and confer if any additional action is filed in, removed to, or
15 transferred to this Court to determine whether the new action involves the same or substantially similar
16 issues of law and fact and whether consolidation would be appropriate. If the parties agree that the new
17 action is appropriate consolidated with the Actions, the parties will follow the procedures below:

18 a. The parties will jointly file a request to consolidate the matter with this Court and counsel
19 for plaintiff in the consolidated action shall serve notice on counsel in the action counsel are seeking be
20 consolidated;

21 b. The parties will jointly request that the Clerk of the Court:
22 i. place a copy of this Order in the separate file for such action;
23 ii. provide a copy of this Order to counsel for plaintiff(s) in the newly filed or
24 transferred action and to any defendant(s) in the newly filed or transferred action; and
25 iii. make an appropriate entry on the Master Docket for the Consolidated Action.

4. If the parties in these Actions do not agree whether the new action should be consolidated with the Actions, the party seeking consolidation may, within ten (10) days after meeting and conferring with the party opposing consolidation, file a motion for consolidation.

II. FILING AND DOCKETING PROCEDURES

1. Every pleading hereafter filed in this Consolidation Action shall bear the following caption:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE FACEBOOK PPC ADVERTISING LITIGATION

Master File No. C 09-03043.JF

This Document Relates To:

All Actions.

2. When a pleading or paper is intended to be applicable to all actions to which this Order is applicable, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading or paper is intended to be applicable to only some, but not all of such actions, this Court's docket number for each action to which the pleading or paper is intended to be applicable and the last name of the first named plaintiff(s) in said action shall appear immediately after the words "This Document Relates To:" in the caption described above, i.e., "Civil Action No. _____ [Name of plaintiff(s)]."

3. When a pleading or paper is filed and the caption, pursuant to ¶ 2, shows that it is to be applicable to "All Actions," the Clerk shall file such pleading or paper in the Master File and note such filing in the Master Docket. No further copies need be filed or other docket entries made.

4. When a pleading or paper is filed and the caption, pursuant to ¶ 2, shows that it is applicable to fewer than all of the Actions, the Clerk shall file such pleading or other paper only in the

1 Master File but nonetheless shall note such filing in both the Master Docket and in the docket of each
2 such action.

3 **III. FILING OF CONSOLIDATED AMENDED COMPLAINT**

4 1. Plaintiffs shall file a Consolidated Amended Complaint on or before November 20, 2009.

5 2. Defendant shall file an answer or otherwise respond to the Consolidated Amended
6 Complaint on or before December 18, 2009.

7 3. If Defendant files a motion to dismiss the Consolidated Amended Complaint, Plaintiffs
8 shall file a response to the Motion on or before January 15, 2010, and Defendant shall have until
9 February 5, 2010 to file a reply.

10
11 **IT IS SO ORDERED.**

12 DATED: 10/22/09

13 By: _____
14



HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT COURT JUDGE